



MICHAEL A. CARDOZO  
Corporation Counsel

USDC SDNY

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THE CITY OF NEW YORK

LAW DEPARTMENT

100 CHURCH STREET  
NEW YORK, NY 10007

*conf. adjourned  
to Feb. 15, 2008,  
9<sup>30</sup> a.m.  
1-2-08  
Sara B. Evans*

SARAH B. EVANS  
Assistant Corporation Counsel  
Phone: (212) 788-1041  
Fax: (212) 788-9776  
saevars@law.nyc.gov

January 2, 2008

**BY FAX**

Fax: (212) 805-7942

Honorable Alvin K. Hellerstein

United States District Judge

Southern District of New York

500 Pearl Street

New York, New York 10007

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Re: Jose Medina v. City of New York, et al., 07 Civ. 6215 (AKH)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to handle the defense of this matter on behalf of defendant City of New York. This case was previously handled by former Assistant Corporation Counsel Jennifer Rubin, however Ms. Rubin recently resigned from the Office of the Corporation Counsel.

As I was just assigned to this matter, I write to respectfully request that the Court adjourn the status conference scheduled for January 4, 2008 at 9:30 a.m. for at least thirty (30) days. This adjournment is necessary as it will afford me time to familiarize myself with the case file. In addition, the adjournment will allow me to be in a better position to discuss matters more intelligently with both plaintiff's counsel and the Court and will provide me an opportunity to obtain several additional documents that may exist in connection with plaintiff's claims.

Specifically, during a telephone conversation today, plaintiff's counsel, David Zelman, Esq., advised me that plaintiff claims he was interviewed by the Internal Affairs Bureau (IAB) while at Lincoln Hospital following the alleged incident. I have advised plaintiff's counsel that I will make efforts to obtain any IAB file that may exist pertaining to the alleged incident and/or concerning plaintiff's alleged interview with IAB on March 31, 2007. Should any IAB file(s) exist concerning same, I will promptly produce a copy to plaintiff's counsel subject to appropriate redactions.

Furthermore, from a review of the case file, it appears that Lincoln Hospital recently advised this Office that the medical authorization provided by plaintiff was not compliant with HIPAA and insufficient for the release of his medical records. As plaintiff is claiming physical and/or psychological injuries as a result of the alleged incident, defendant submits that his medical records are highly relevant and likely to lead to the discovery of admissible evidence. During a telephone conversation today, I advised plaintiff's counsel that the medical release provided by plaintiff was insufficient according to Lincoln Hospital, and requested, pursuant to Lincoln Hospital's instructions, that plaintiff complete two HIPAA compliant authorizations. I provided plaintiff's counsel with a copy of these two blank medical authorizations today and requested that he return properly executed releases to this Office on or before January 10, 2008 so that this Office can obtain plaintiff's medical records and proceed with this litigation. In this regard, it generally takes at least thirty days to obtain documents once a properly executed release is received.

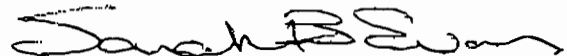
In light of the above, an adjournment of the January 4, 2008 conference will provide plaintiff's counsel an opportunity to return a properly executed medical release to this Office and will allow this Office to obtain any additional documents that may exist in connection with plaintiff's claim, including plaintiff's Lincoln Hospital medical records.

Finally, an adjournment of the January 4, 2008 conference is also necessary because I am already scheduled to appear before Magistrate Judge Peck in another civil rights matter at the same time.

Plaintiff's counsel consents to the within request for an adjournment. To the extent the Court grants defendant's request to adjourn the January 4, 2008 conference to a later date, plaintiff's counsel has advised me that he is scheduled to be on a two to three day trial commencing on February 4, 2008.

In view of the foregoing, it is respectfully requested that the Court grant the within request. Thank you for your consideration in this matter.

Respectfully submitted,



Sarah B. Evans  
Assistant Corporation Counsel

cc: David A. Zelman, Esq. (By fax)  
612 Eastern Parkway  
Brooklyn, New York 11225  
Fax: (718) 604-3074